



THE CITY OF NEW YORK  
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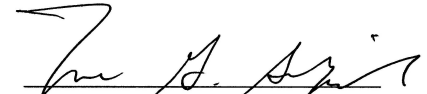
June 3, 2022

Application **GRANTED in part**. The briefing schedule at Dkt. No. 11 is extended by thirty days. By **July 1, 2022**, the parties shall file a joint status letter. By **July 7, 2022**, Plaintiff shall file any motion for summary judgment. (See Dkt. No. 11.)

**VIA ECF**

Hon. Lorna G. Schofield  
United States District Court for the  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Dated: June 6, 2022  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Re: *C.C. and L.C. obo H.C. v. N.Y. City Dep't of Educ.*,  
Index No. 22 CV 334 (LGS)(OTW)

Dear Judge Schofield:

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and attorney for Defendant New York City Department of Education in the case referenced above. I write jointly with Plaintiffs' counsel to respectfully request that the Court extend the briefing schedule set forth in its Order dated May 17, 2022.

In this action, Plaintiffs seek to compel the Department of Education (i) to issue payment for private school tuition for the student H.C. in the 20-21 school year, as awarded at an administrative hearing held pursuant to the Individuals with Disabilities Education Act, and (ii) to issue payment for private school tuition for the 21-22 school year pursuant to the Act's pendency provision, 20 U.S.C. § 1415(j). Plaintiffs also seek an award of reasonable attorneys' fees and costs in connection with the administrative hearing concerning the 20-21 school year, and in this action. Pursuant to the Court's Order, Plaintiffs are due to file a motion for summary judgment, with initial papers to be served and filed on Tuesday, June 7, 2022. The parties respectfully request that the Court suspend that schedule.

Additional time is requested because the payments sought in this action have already been issued, and the parties have resolved Plaintiffs' claim for attorneys' fees and costs for the administrative proceeding. Thus, the only remaining claim is Plaintiffs' claim for reasonable attorneys' fees and costs in connection with this action. While the Department of

Education maintains that the underlying payments were made, and the fees claim was settled, in the usual course of business, the parties would like time to see if the case can be fully resolved without motion practice.

Accordingly, the parties respectfully request that the Court hold the current briefing schedule in abeyance to allow the parties time for settlement discussions. The parties further respectfully request that they be permitted to submit a status letter by July 12, 2022, to update the Court on their discussions. If necessary, the parties will propose a revised briefing schedule at that time.

This is the first such request made, and no other scheduled dates will be impacted by the proposed extension. I have communicated with William DeVinney, Esq., Plaintiffs' attorney, and as indicated, this request is made jointly.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg  
Assistant Corporation Counsel

cc: William DeVinney, Esq.  
Briglia Hundley PC  
Attorneys for Plaintiffs